quirements pursuant to the New Jersey Solid Waste Management Act, the New Jersey Major Hazardous Waste Facilities Siting Act, or the federal Solid Waste Disposal Act. It does not apply to any establishment engaged in the production and distribution of agricultural commodities. This only excludes individual or family farm operations engaged in the production and distribution of agricultural commodities and does not exclude establishments primarily engaged in the wholesale distribution of animal feeds, fertilization, agricultural chemicals, pesticides, seeds, and other farm supplies, except grains.

In summary, the place of business must have a primary SIC number as indicated above and must in some way handle hazardous substances or hazardous wastes. Any facility which fails either of these tests, or is specifically excluded, is not subject to ECRA.

LETTERS OF NONAPPLICABILITY

In some cases, various mortgage lenders, title insurers, or purchasers, will require written confirmation from the seller that a specific property or facility is not subject to ECRA. If you are in such a position, a letter confirming non-applicability may be obtained from the Bureau of Industrial Site Evaluation by submitting a duly notarized affidavit clearly describing the reason that you believe makes the transaction not applicable.

The reasons for nonapplicability may include the absence of an industrial establishment with a SIC number addressed by the act, no involvement with hazardous substances or hazardous wastes on the property, the cessation of all operations (including the storage of hazardous substances such as fuel oil) prior to December 31, 1983, or other reasons supported by appropriate documentation. In the first case, the on-site activities must be described in sufficient detail for an independent interpretation of the appropriate SIC number to be made. In the second case, the affidavit must include a statement that the signer has reviewed the lists of hazardous substances and hazardous wastes and has determined that no such materials are generated, manufactured, refined, transported, treated, stored, or disposed on the property.

The statement must also provide evidence of the signer's qualifications to make such claims authoritatively—for example, a landlord generally would be unable to certify the absence of hazardous materials in a tenant's operation.

Any such affidavits should be sent to the Bureau of Industrial Site Evaluation, CN028, Trenton, New Jersey 08625, Attn: Applicability Section.

EXEMPTIONS

Subgroups or classes of operations within applicable SIC code numbers may be exempt provided the industrial establishments do not pose a risk to public health and safety. Such exemptions may be granted by the department. Industrial establishments must submit all appropriate documentation, evidence, and other proofs that they deem justify exemption as a subgroup or class from the